

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 4-6, 11, 15-18 and 22-24 have been amended. Claims 2, 3, 7-10, 12-14, 19-21, 29-32 and 36-41 have been canceled. Claims 42-59 have been added. Thus, claims 1, 4-6, 11, 15-18, 22-28, 33-35 and 42-59 are pending.

Claim Rejections 35 U.S.C. § 102(b)

Claims 1-5, 11-14, 16, 17, 25, 27, 28, 33, 34 and 36-39 were rejected as being anticipated by U.S. Patent No. 5,973,611 issued to Kulha, et al. (*Kulha*). Claims 2, 3, 12-14, and 36-39 have been canceled. Thus, the rejection of claims 2, 3, 12-14, and 36-39 is moot. For at least the reasons set forth below, Applicants submit that claims 1, 4, 5, 16, 17, 25, 27, 28, 33 and 34 are not anticipated by *Kulha*.

Claim 1 recites:

a detection circuit to detect whether a user identification device is within a predetermined proximity of a computer system; and
a control circuit coupled with the detection circuit to cause an operating system of the computer system to be in a normal operating state when the user identification device is within the predetermined proximity and to cause the operating system of the computer system to be in an inactive state when the user identification device is not within the predetermined proximity, wherein transition of the operating system from the inactive state to the normal operating state occurs without interaction between the user and the computer system.

Thus, Applicants claim causing an operating system of a computer system to be in a normal operating state when the user identification device is within a predetermined proximity with respect to the computer system. The operating system is in an inactive state when the identification device is not within the predetermined proximity with

respect to the computer system. The operating system transitions from the inactive state to the normal operating state without interaction between the user and the computer system. See, for example, paragraph 0032. Claim 11 is a method claim and is similarly directed to control of states of a computer operating system.

Kulha discloses a hands-free remote entry system *for vehicles*. See Abstract (emphasis added). Specifically, *Kulha* discloses a key fob device that unlocks various access points (e.g., driver's door, passenger's door, trunk lid) to a vehicle. See col. 5, line 35 to col. 6, line 50. When the carrier of the key fob enters the vicinity of the vehicle, a wake-up sensor causes the security system microprocessor to enter full operational mode. See col. 5, lines 3-5. When in full operational mode, the security system microprocessor can lock and unlock doors of the vehicle. See col. 5, lines 26-34.

Kulha is directed to security *for vehicles* and, therefore, does not disclose proximity-based control and/or access of a *computer system*. Moreover, *Kulha* does not disclose (or even suggest) transition of an operating system from the inactive state to the normal operating state without interaction between the user and the computer system. Therefore, *Kulha* does not anticipate the invention as claimed in claims 1 and 11.

Claims 4, 5 and 42-47 depend from claim 1. Claims 16, 17 and 48-53 depend from claim 11. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 4, 5, 16, 17 and 42-53 are not anticipated by *Kulha* for at least the reasons set forth above.

Claim 25 is a method claim that recites:

detecting when a predetermined device enters a predetermined region with respect to an electronic device; and

causing the electronic device to *boot up* in response to the predetermined device entering the predetermined region.

Thus, Applicants claim causing an electronic device to boot up in response to a predetermined device entering a predetermined region. Claim 33 similarly recites causing an electronic device to boot up.

The phrase “booting up” refers to the process of starting a computer. See Alan Freedman, Computer Desktop Encyclopedia, 9th Edition, Osborne/McGraw-Hill, Berkeley, California, page 88. *Kulha* does not address starting a computer. Therefore, *Kulha* does not anticipate the invention as claimed in claims 25 and 33.

Claims 27 and 28 depend from claim 25. Claim 34 depends from claim 33. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 27 and 28 are not anticipated by *Kulha* for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 6, 15, 26, 35 and 41 were rejected as being unpatentable over *Kulha* in view of U.S. Patent No. 6,420,961 issued to Bates, et al. (*Bates*). Claim 41 was canceled. Thus, the rejection of claim 41 is moot. For at least the reasons set forth below, Applicants submit that claims 6, 15, 26 and 35 are not rendered obvious by *Kulha* and *Bates*.

Claim 6 depends from claim 1 and claim 35 depends from claim 33. As discussed above, *Kulha* does not disclose or suggest the invention as claimed in claims 1 and 35. Applicants agree with the assertion in the Office Action of November 5 that *Kulha* does not disclose reflection of a wireless signal. See page 4. *Bates* is directed to an

interrogator that interacts with an identification device that includes a transponder.

However, the interrogator does not change modes in the same manner as the computer system of claims 6 and 35. Therefore, *Bates* does not cure the deficiencies of *Kulha* set forth above. Therefore, no combination of *Bates* and *Kulha* can teach or suggest the invention as claimed in claims 6 and 35.

Claim 15 depends from claim 11 and claim 26 depends from claim 25. As discussed above, *Kulha* does not disclose or suggest the invention as claimed in claims 11 and 25. Applicants agree with the assertion in the Office Action of November 5 that *Kulha* does not disclose determining from a transmitted signal if a device is within a predetermined proximity. See page 5. *Bates* is directed to an interrogator that interacts with an identification device that includes a transponder. However, the interrogator does not determine the proximity of the identification device. Therefore, *Bates* does not cure the deficiencies of *Kulha* set forth above. Therefore, no combination of *Bates* and *Kulha* can teach or suggest the invention as claimed in claims 15 and 26.

Claims 18-24 were rejected as being unpatentable over *Kulha* in view of U.S. Patent No. 6,236,333 issued to King (*King*). Claims 19-21 were canceled. Thus, the rejection of claims 19-21 is moot. For at least the reasons set forth below, Applicants submit that claims 18 and 22-24 are not rendered obvious by *Kulha* and *King*.

Claim 18 recites:

determine whether a user identification device is within a predetermined proximity of computer system;
cause the operating system of the computer system to be in a normal operating state when the user identification device is within the predetermined proximity of the computer system; and
cause the operating system of the computer system to be in an inactive when the user identification device is not within the

predetermined proximity of the computer system, wherein transition of the operating system from the inactive state to the normal operating state occurs without interaction between the user and the computer system.

Thus, Applicants claim a machine accessible medium having instructions to cause an operating system of a computer system to be in a normal operating state when the user identification device is within a predetermined proximity with respect to the computer system.

As discussed above, *Kulha* is directed to security for vehicles and, therefore, does not disclose proximity-based control and/or access of a computer system. *King* discloses a vehicle keyless entry system. See Abstract. Both *Kulha* and *King* are directed to automotive applications. Therefore, no combination of *Kulha* and *King* teaches or even suggests causing the operating system of a computer system to be in a specific state in response to an identification device. Thus, no combination of *Kulha* and *King* teaches or suggests the invention as claimed in claim 18.

Claims 22-24 and 54-59 depend from claim 18. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 22-24 and 54-59 are not rendered obvious by *Kulha* and *King* for at least the reasons set forth above.

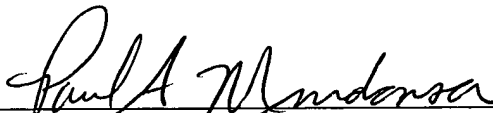
Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1, 4-6, 11, 15-18, 22-28, 33-35 and 42-59 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date:

JAN 15, 2004



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